

Proposed Revisions to Napa Superior Court Local Rules – January 2006

Napa Superior Court proposes to adopt the following revisions to its Local Rules, to be effective January 1, 2006. We welcome your comments, which should be submitted in writing by November 15, 2005 to:

Joanna Mittman
Court General Counsel
Napa County Superior Court
825 Brown Street
Napa, California 94559

- Rule 2.6 **Applications for Ex Parte Orders** (revised)
(changes time for civil and probate ex partes)
- Rule 2.15 **Court Reporting Services** (revised)
(reworded without substantive change)
- Rule 4.5 **In Limine Motions – Criminal** (revised and renumbered)
(revised to make reference to Readiness Conference)
- Rule 6.2 **Trial Management Conferences** (revised)
(reworded without substantive change)
- Rule 6.6.2 **Mandatory Settlement Conferences** (revised)
(revised to reflect that MSC Statements are not filed with the court, merely submitted)
- Rule 6.7 **Structured or Conditional Settlements** (deleted)
(deleted because court follows Cal. Rules of Court)
- Rule 6.8 **Requests for Extensions/Continuances** (revised)
(revised to refer to mandatory local form and to specify information required for presenting a stipulated continuance request)

2.6 Applications for Ex Parte Orders

Except as otherwise specifically provided by these rules, applications for ex parte orders shall conform to California Rules of Court, rule 379, and be presented as follows:

- A. **Civil.** Applications involving civil matters shall be presented to a judicial officer of the civil division at 1:30 p.m. each court day. Unless the nature of the application precludes giving notice to the other side, such notice must be given and an appointment must be made by calling the clerk of the Court no later than 10:00 a.m. the preceding court day. The Court may waive notice for good cause. (Revised 7/1/05)

Change to:

- A. **Civil.** Applications involving civil matters shall be presented to a judicial officer of the civil division at 11:30 a.m. each court day. Unless the nature

of the application precludes giving notice to the other side, such notice must given and an appointment must be made by calling the clerk of the Court no later than 10:00 a.m. the preceding court day. The Court may waive notice for good cause. (Revised 7/1/05; revised 1/1/06)

B. no change

C. no change

D. Probate. Applications involving probate matters shall be presented to a judicial officer of the civil division at 1:30 p.m. each court day. Unless the nature of the application precludes giving notice to the other side, such notice must given and an appointment must be made by calling the clerk of the Court no later than 10:00 a.m. the preceding court day. The Court may waive notice for good cause. (Revised 7/1/05)

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D. Probate. Applications involving probate matters shall be presented to a judicial officer of the civil division at 11:30 a.m. each court day. Unless the nature of the application precludes giving notice to the other side, such notice must given and an appointment must be made by calling the clerk of the Court no later than 10:00 a.m. the preceding court day. The Court may waive notice for good cause. (Revised 7/1/05; revised 1/1/06)

E. no change

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2.15 Court Reporting Services

All matters required by law to be reported shall be reported. All other matters shall be reported at the request of the Court or the parties, subject to the availability of an official court reporter. If an official court reporter is not available, the parties may arrange for the attendance of a pro tem reporter pursuant to California Rules of Court, rules 890 and 891. (Effective 7/1/04)

Change to:

2.15 Court Reporting Services

All matters required by law to be reported shall be reported. All other matters shall be reported at the request of the Court or the parties, subject to the availability of an official court reporter. If an official court reporter is not available and a party wishes the matter to be reported, the party shall be required to arrange for the attendance of a pro tem reporter. It will be that party's responsibility to pay the reporter's fee. (See California Rules of Court, rules 890 and 891.) (Effective 7/1/04; revised 1/1/06)

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4.4 Demurrers (Deleted 7/1/05)

4.5 *In Limine* Motions

All *in limine* motions must be in writing. They must be filed and served at or before the Trial Management Conference. (Effective 7/1/02)

4.6 Jury Instructions and Verdict Forms

Jury instructions and verdict forms must be submitted on the first day of Trial. (Effective 7/1/02)

Change to:

4.4 *In Limine* Motions

All *in limine* motions must be in writing. They must be filed and served at or before the Readiness/Trial Management Conference. (Effective 7/1/02; revised 1/1/06)

4.5 Jury Instructions and Verdict Forms

Jury instructions and verdict forms must be submitted on the first day of Trial. (Effective 7/1/02; renumbered 1/1/06)

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6.2 Trial Management Conference

Trial Management Conferences are generally held the on last court day of the week preceding the week in which the jury will be selected or, in a court trial, the first witness called. The case will be assigned to a Trial judge at the Trial Management Conference. This assignment is deemed the assignment from the master calendar. The Trial Management Conference is deemed to be the commencement of Trial for purposes of discovery and motion cutoff, disclosure of witnesses and expert witnesses, and commencement of all trial-related fees, such as jury and court reporter fees. All *in limine* motions will be heard at the Trial Management Conference and the Court will attend to all other trial management issues to facilitate expeditious commencement of Trial.

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6.6.2 Mandatory Settlement Conferences

In addition to requirements of California Rules of Court, rule 222(c), each party shall file and serve on each other party a Settlement Conference Statement that must include a statement of the factual and legal contentions in dispute, a list of all special damages claimed, copies of pertinent medical reports, and other pictorial or documentary evidence pertinent to settlement, the highest previous offer and the lowest previous demand, the date when the last face to face or telephonic settlement discussion was held between all parties, and a statement as to any special problems relating to settlement such as lack of or disputed insurance coverage.

It is the policy of the Court to encourage settlements at any stage of the proceedings and the civil master calendar judge may, at the request of a party to the action, set a cause for a Voluntary Settlement Conference on any date convenient to the Court and counsel.
(Effective 7/1/02)

Change to:

6.6.2 Mandatory Settlement Conferences

In addition to requirements of California Rules of Court, rule 222(c), each party shall submit to the court and serve on each other party a Settlement Conference Statement that must include a statement of the factual and legal contentions in dispute, a list of all special damages claimed, copies of pertinent medical reports, and other pictorial or documentary evidence pertinent to settlement, the highest previous offer and the lowest previous demand, the date when the last face to face or telephonic settlement discussion was held between all parties, and a statement as to any special problems relating to settlement such as lack of or disputed insurance coverage.

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(Effective 7/1/02; revised 1/1/06)

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6.7 Structured or Conditional Settlements (deleted 1/1/06)

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6.8 Requests for Continuances to be Signed by Parties

Any Request for Extension of Time or motion to continue, supported by good cause shown, must be signed by counsel and signed by the party, acknowledging the party concurs with the request. (Effective 7/1/02; revised 7/1/03)

Change to:

6.8 Requests for Extensions/Continuances

All requests for extension of time or continuances of trial must be supported by good cause shown, must be signed by counsel and signed by the party, acknowledging the party concurs with the request.

Any request for extension of time to file a document must be presented on Napa Superior Court's mandatory form, available on the court website at www.napacourt.com.

If a request to continue trial is presented in the form of a stipulation and order and not by noticed motion, a supporting declaration must be submitted that includes the following information: the reasons for the requested continuance, the number of previous continuances, whether the case is a Delay Reduction case, when the complaint was filed, whether the case has been declared protracted, any additional information that the parties believe will assist the judge in evaluating the request.

(Effective 7/1/02; revised 7/1/03 and 1/1/06)